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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Redd et al.

Application No.: 10/627,393

Attorney Docket No.: SF005C

Filed: July 25, 2003

For: Image prints having customized
backprinting message

Examiner: Brian Jaketic

Art Unit: 3765

**PETITION TO ACCEPTANCE OF
PATENT APPLICATION WHEN A
JOINT INVENTOR REFUSES TO JOIN
IN PATENT APPLICATION**

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants petition to the acceptance of the instant patent application when a joint inventor refuses to join in patent application under 37 CFR §1.47(a).

The instant patent application No. 10/627,393 is a continuation of Patent Application No. 09/450,899 commonly assigned to Shutterfly, Inc. The parent application was filed when the two inventors were employed at Shutterfly, Inc. The assignment and declaration were properly executed on the parent patent application. The continuation patent application No. 10/627,393 based on the same specification was filed in the names of the two identical inventors after the inventors terminated their employment at Shutterfly, Inc.

I successfully contacted both inventors for signing the assignment and declaration forms. The first inventor Jarret Redd signed both forms. The co-inventor was unwilling to sign due to his current employment with another company. A receipt of a certified mail to the co-inventor is attached. A copy of the Employment Agreement signed by the co-inventor is also attached. The Employment Agreement defines the ownership of patent rights by Shutterfly, Inc. on inventions made by Shutterfly employees.

01/15/2004 MBELETE1 00000075 10627393

01 FC:1460	130.00 OP
02 FC:2251	55.00 OP
03 FC:1999	10.00 OP

The co-inventor's current address is:

Daniel Baum
685 San Mateo Drive
Menlo Park, CA 94025

A check in \$195 was enclosed to cover \$130 of petition fee under 37 CFR §1.17(h) and \$65 of extension fee under the provision of 37 CFR §1.136(a). This Petition is submitted in duplicate.

Respectfully submitted,



Xin Wen

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